

TTAB

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PATENT, TRADEMARK & COPYRIGHT LAW

ESTABLISHED 1950

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June 30, 2006

OUR REF. No. R-5513

U.S. Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

Attention: Ms. Jean Brown, Administrator,
Trademark Trial and Appeal Board

Re: Opposition to Trademark Application of
Yellow Dog Café, Inc. - Mark: YELLOW DOG CAFE
Serial No: 78/648,179 - Filed: June 10, 2005
Published: June 13, 2006, at page TM 643
Our Case R-5513

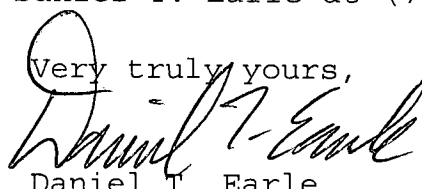
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US PATENT
OFFICE

Dear Ms. Brown:

Accompanying this letter are opposition papers submitted in triplicate, together with a check in the amount of \$300.00 to cover the government filing fee. If the amount of the check is insufficient, the U.S. Patent and Trademark Office is authorized to charge the deficiency to Deposit Account No. 19-2105, and to notify the undersigned in due course. It is requested that an opposition proceeding be commenced against the above-identified trademark application.

Communications with Opposer should be directed to Opposer's below-identified attorneys. Any telephone calls regarding this letter should be directed to Daniel T. Earle at (703) 684-5600.

Very truly yours,



Daniel T. Earle

SHLESINGER, ARKWRIGHT & GARVEY LLP
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06-30-2006

U.S. Patent & TMO/TM Mail Rcpt Dt. #11

DTE/mr
Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Application Serial No. 78/648,179
published in the Official Gazette on June 13, 2006 at page TM
643.

JOSEPH J. JURAS :

Opposer, :

v. :

Opposition No. :

YELLOW DOG CAFE, INC. :

Applicant. :

TRADEMARK TRIAL AND APPEAL BOARD
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 US PATENT & TRADEMARK OFFICE

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NOTICE OF OPPOSITION

Opposer, Joseph J. Juras (hereinafter "Opposer"), an individual, located and doing business at 2723 Fort Street, Charlotte, North Carolina 28205, believes that he will be damaged by a registration of the mark shown in application Serial No. 78/648,179, and hereby opposes the same.

The grounds for the opposition are as follows:

1. Since long prior to the filing date of the application for registration, Opposer has marketed and sold clothing under the mark, YELLOW DOG.

2. Opposer has used the mark, YELLOW DOG, alone and in combination with other words and designs for t-shirts in the United States since at least as early as July, 1997.

3. Opposer's trademark is favorably known as a valuable asset of Opposer. The mark, YELLOW DOG, is a symbol of considerable good will and recognition built up by Opposer through substantial amounts of time and effort.

4. Notwithstanding Opposer's prior rights to the mark, YELLOW DOG, Applicant filed, on June 10, 2005, an application to register the mark, YELLOW DOG CAFE, for clothing, namely, polo shirts, blouses, shirts, jerseys, tank tops, t-shirts, camp shirts, dress shirts, golf shirts, sports shirts, tops, and sweat shirts for men, women and children, in International Class 25, claiming a date of first use of February 13, 1998.

5. In view of the similarity between the respective marks, and the respective goods of the parties, Applicant's mark so resembles Opposer's trademark, previously used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake, or to deceive, to the irreparable damage of Opposer.

6. If Applicant is granted a registration for the mark herein opposed, Applicant would obtain thereby at least a *prima facie* exclusive right to use the mark. Such registration would be a source of damage and injury to Opposer and Opposer's business.

Notice of Opposition
Serial No. 78/648,179

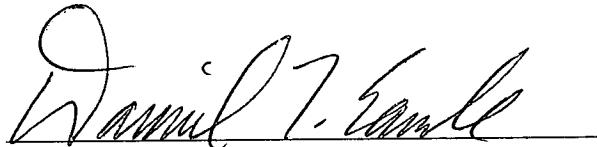
WHEREFORE, Opposer prays that said Application Serial No. 78/648,179 be rejected, that no registration be issued to Applicant for its mark, and that this Notice of Opposition be sustained in favor of Opposer.

Respectfully submitted,

JOSEPH J. JURAS

Date: June 30, 2006

By:



Daniel T. Earle

James E. Shlesinger

Attorneys for Opposer

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